

DEC-06-00 WED 11:10 AM HARRISBURG

FAX NO. 917172213959

P. 02
*(2)
12/6/00
Jm*IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

VICTOR GONZALES, : CIVIL ACTION NO. 1:CV-00-2061
Petitioner :
v. :
BENJAMIN VARNER, ET AL., : (Judge Rambo)
Respondents :
FILED
HARRISBURG, PA

O R D E R

DEC 06 2000

MARY E. D'ANDREA, CLERK
Per *[Signature]* Deputy Clerk

IT IS HEREBY ORDERED THAT:

1. The Clerk of Court is directed to serve a copy of the petition and this order by certified mail on the Attorney General of the Commonwealth of Pennsylvania and the Pennsylvania Board of Probation and Parole.

2. Within twenty (20) days of the date of this order, Respondents shall answer the allegations in the petition for writ of habeas corpus. Consistent with Rule 5 of the Rules Governing § 2254 Cases in the United States Courts, the answer shall:

- (a) state whether the Petitioner has exhausted state remedies available under state law with respect to each claim presented;
- (b) be accompanied by those portions of any transcripts the Respondents deem relevant to disposing of the claims raised in the petition;

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- (c) indicate what other proceedings that might be relevant to the petition which have been recorded but are not yet transcribed;
- (d) be accompanied by copies of any of the Petitioner's briefs on appeal and copies of any opinions of the appellate courts in those proceedings.

3. Respondents shall file a memorandum of law with the answer. The memorandum shall set forth the relevant facts and procedural history of the case, a recommended disposition of the petition, and citations to pertinent case law.

4. Petitioner shall, if he so desires file a reply brief within fifteen (15) days of receipt of the Respondents' filings.

5. A determination whether the Petitioner should be produced for a hearing will be held in abeyance pending the filing of Respondents' answer and memorandum of law, and, if any, the Petitioner's reply.

Dated: December 6, 2000.

SR:jvw

[Handwritten signature]

U.S. Postal Service CERTIFIED MAIL RECEIPT <i>(Domestic Mail Only; No Insurance Coverage Provided)</i>		
Article Sent To:		
9012	SCI Dallas	
9015	Postage \$	
3315	Certified Fee	
4000	Return Receipt Fee (Endorsement Required)	
0000	Restricted Delivery Fee (Endorsement Required)	
2000	Total Postage & Fees \$	
3220	Postmark Here	
7059	Name (Please Print Clearly) (To be completed by mailer)	
2	Street, Apt. No.; or PO Box No.	
3220	City, State, ZIP+4	

See Reverse for Instructions

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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

CLERK'S OFFICE
HARRISBURG DIVISION



Mary D'Andrea, Clerk

To: Clerk's OFFICE
FROM: Mary

COMMENTS: Service order, file with
Jane Van Wie. Not docketed, original
to be sent in today's mail.

THIS FACSIMILE CONTAINS A TOTAL OF 3 PAGES INCLUDING THIS SHEET.

PLEASE CALL IF THIS FAX IS
INCOMPLETE.
PHONE NUMBER: (717) 221-3920
FAX NUMBER: (717) 221-3959

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA
HARRISBURG, PENNSYLVANIA 17108

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

December 6, 2000

Re: 1:00-cv-02061 Gonzales v. Varner

True and correct copies of the attached were mailed by the clerk to the following:

Victor Gonzales
SCI-D
SCI at Dallas
AS-1650
Drawer K - Follies Rd.
Dallas, PA 18612-0286

CC:
Judge ()
Magistrate Judge ()
U.S. Marshal ()
Probation ()
U.S. Attorney ()
Atty. for Deft. ()
Defendant ()
Warden ()
Bureau of Prisons ()
Ct Reporter ()
Ctroom Deputy ()
Orig-Security ()
Federal Public Defender ()
Summons Issued () with N/C attached to complt. and served by:
U.S. Marshal () Pltf's Attorney ()
Standard Order 93-5 ()
Order to Show Cause (X) with Petition attached & mailed certified mail
to: US Atty Gen () PA Atty Gen (X)
DA of County () Respondents (X)
Bankruptcy Court ()
Other _____ ()

MARY E. D'ANDREA, Clerk

DATE: 12/6/00

BY: D
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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O R D E R

DEC 06 2000

MARY E. D'ANDREA, CLERK
Per M.E.D Deputy Clerk

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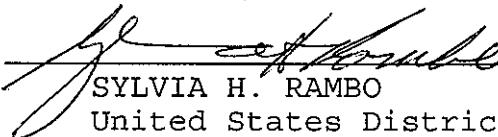
- (a) state whether the Petitioner has exhausted state remedies available under state law with respect to each claim presented;
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- (c) indicate what other proceedings that might be relevant to the petition which have been recorded but are not yet transcribed;
- (d) be accompanied by copies of any of the Petitioner's briefs on appeal and copies of any opinions of the appellate courts in those proceedings.

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4. Petitioner shall, if he so desires file a reply brief within fifteen (15) days of receipt of the Respondents' filings.

5. A determination whether the Petitioner should be produced for a hearing will be held in abeyance pending the filing of Respondents' answer and memorandum of law, and, if any, the Petitioner's reply.



SYLVIA H. RAMBO
United States District Judge

Dated: December 6, 2000.

SR:jvw